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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/767,722

01/24/2001

Jean-Claude Martin

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3662

7590

03/09/2006

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2686

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/767,722

Applicant(s)

MARTIN ET AL.

Examiner

Naghmeh Mehrpour

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-7 and 9-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-7 and 9-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-7, 9-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalbermatter et al. (US Patent Number (5,508,978) in view of Hatuse et al. (US Patent Number 4,257,115).

Regarding claim 6, Kalbermatter teaches **a crystal in particular for a telephone watch (col 2 lines 6-14, col 3 lines 26-36). Kalbermatter fails to teach a watch including: an upper face and a lower face, wherein the keyboard includes a plurality of keys, each key being associated with at least one electrode disposed on the lower face of the crystal for forming a plurality of capacitive sensors, the keys being activated by placing a finger on the upper face of the crystal opposite the at least one electrode, wherein the crystal includes a thick zone and a thinned zone, the keys of the keyboard being arranged in the thinned zone, and wherein it is secured onto a bezel including an inner reinforcement extending under the thinned zone of the crystal, the keyboard being sandwiched between the thinned zone and the reinforcement. However, Hatuse teaches a watch including: an upper face and a lower face (col 3 lines 30-37), wherein the keyboard includes a plurality of keys, each key being**

**associated with at least one electrode disposed on the lower face of the crystal for forming a plurality of capacitive sensors (col 4 lines 15-40), the keys being activated by placing a finger on the upper face of the crystal opposite the at least one electrode, wherein the crystal includes a thick zone and a thinned zone, the keys of the keyboard being arranged in the thinned zone (col 2 lines 36-67, col 4 lines 3-40); and**

wherein it is secured onto a bezel including an inner reinforcement extending under the thinned zone of the crystal, the keyboard being sandwiched between the thinned zone and the reinforcement (col 3 lines 50-67, col 4 lines 1-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Hatuse with Kalbermatter, in order to reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

Regarding claim 7, Kalbermatter teaches a crystal in particular for a telephone watch (col 2 lines 6-14). Kalbermatter fails to teach a keyboard disposed under a lower face of the surface, said crystal including a thick zone and a thinned zone the keyboard being **deposited in only** the thinned zone, and entire surface of telephone watch is crystal, and the keyboard formed in particular of a plurality of capacitive sensors, the keys being activated by placing a finger on the upper face of the crystal opposite the at least one electrode. However, Hatuse teaches a keyboard disposed under a lower face of the surface, said crystal including a thick zone and a thinned zone, the entire surface of the watch is crystal, and the keyboard formed in particular of a plurality of capacitive

sensors, the keys being activated by placing a finger on the upper face of the crystal opposite the at least one electrode (col 2 lines 36-67 col 3 lines 1-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Hatuse with Kalbermatter, in order to reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time. Kalbermatter modified by Hatuse fails to teach that the keyboard being **deposited** in **only** the crystal watch thinned zone. However, the examiner takes official notice that a keyboard being **deposited** in **only** the crystal watch thinned zone is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Hatuse with Kalbermatter, in order to reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

Regarding claims 2, 11, Kalbermatter fails to teach a telephone watch wherein the thinned zone is arranged on the side of the crystal lower face. However, Hatuse teaches a watch wherein the thinned zone is arranged on the side of the crystal lower face (col 3 lines 50-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Hatuse with Kalbermatter, in order to reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

Regarding claims 3, 12, Kalbermatter teaches an apparatus wherein the thick zone is disposed at its center and in that the thinned zone is disposed at its periphery (see figure 4, col 3 lines 25-67, col 4 lines 1-5).

Regarding claims 4, 13, Kalbermatter teaches an apparatus wherein it is round wherein the thinned zone forms a ring under which the keyboard is deposited (see figure 4, col 3 lines 25-36).

Regarding claims 5, 14, Kalbermatter fails to teaches a crystal telephone wristwatch wherein the keyboard includes a first decorative opaque layer formed of numbers and signs and deposited directly under the thinned zone, and a second layer deposited under the first and formed of a plurality of conductive pads , a conductive pads corresponding to each number or sign the conductive pads being individually connected to a printed circuit. However, Hatuse teaches a crystal telephone wristwatch wherein the keyboard includes a first decorative opaque layer formed of numbers and signs and deposited directly under the thinned zone, and a second layer deposited under the first and formed of a plurality of conductive pads, a conductive pads corresponding to each number or sign the conductive pads being individually connected to a printed circuit. (see figure 5, col 2 lines 35-67, col 4 lines 3 lines 67, col 4 lines 1-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching of Hatuse with Kalbermatter, in order to

reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

Regarding claim 9, Kalbermatter fails to teach a crystal wherein the thick zone has a thickness sufficient to withstand a hydrostatic pressure of the three bars. However, the Examiner takes official notice that a crystal wherein the thick zone has a thickness sufficient to withstand a hydrostatic pressure of the three bars is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching with Kalbermatter, in order to reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

Regarding claims 10, 16, Kalbermatter modified by Hatuse fails to teach a crystal wherein the thinned zone has a substantially constant thickness. However, the examiner takes official notice that a crystal watch wherein a thinned zone has a substantially constant thickness is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the above teaching with Kalbermatter modified by Hatuse, in order to reduce the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

**Response to Arguments**

3. Applicant's arguments filed 10/27/05 have been fully considered but they are not persuasive.

In response to applicant's argument that "*the examiner has not made a showing of prima facie obviousness of the subject matter in applicant's claims*", is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Kalbermatter teaches a crystal in particular for a telephone watch (col 2 lines 6-14, col 3 lines 26-36). Kalbermatter fails to teach a watch including: an upper face and a lower face, wherein the keyboard includes a plurality of keys, each key being associated with at least one electrode disposed on the lower face of the crystal for forming a plurality of capacitive sensors, the keys being activated by placing a finger on the upper face of the crystal opposite the at least one electrode, wherein the crystal includes a thick zone and a thinned zone, the keys of the keyboard being arranged in the thinned zone, and wherein it is secured onto a bezel including an inner reinforcement extending under the thinned zone of the crystal, the keyboard being sandwiched between the thinned zone and the reinforcement. However, Hatuse teaches a watch including: an upper face and a lower face (col 3 lines 30-37), wherein the keyboard includes a plurality of keys, each key being associated with at least one electrode disposed on the lower face of the crystal for forming a plurality of capacitive sensors (col 4 lines 15-40), the keys being activated by placing a finger on the upper face of the crystal opposite the at least one electrode, wherein



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the crystal includes a thick zone and a thinned zone, the keys of the keyboard being arranged in the thinned zone (col 2 lines 36-67, col 4 lines 3-40); and wherein it is secured onto a bezel including an inner reinforcement extending under the thinned zone of the crystal, the keyboard being sandwiched between the thinned zone and the reinforcement (col 3 lines 50-67, col 4 lines 1-31). Therefore, by combining the above teaching of Hatuse with Kalbermatter, reducing the dimension of telephone to the point that it can be carried on the human body and at the same time avoiding pressing several keys at the same time.

### **Conclusion**

**4. Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

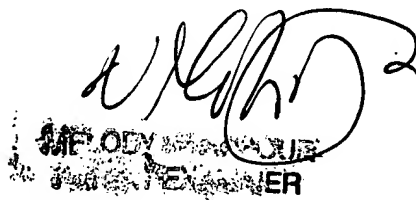
The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

March 5, 2006



A handwritten signature in black ink is written over a rectangular official stamp. The stamp contains the text "SUPERVISOR" and "PATENT EXAMINER" in a bold, sans-serif font. The signature is a cursive-style name, possibly "M. H. D.", followed by a large loop and a small "2".